

the transaction will result in the conservation of fuel and the reduction of emissions.

Copies of the pooling application may be obtained free of charge by contacting applicants' representatives.

Alternatively, the pooling application may be inspected at the offices of the Surface Transportation Board, Room 755, during normal business hours. A copy of the notice will be served on the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: February 18, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**

*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33554]

#### **Twin Cities & Western Railroad Company, Corporate Family Transaction Exemption, Minnesota River Bridge Company**

Twin Cities & Western Railroad Company (TCW) and Minnesota River

Bridge Company (MRBC),<sup>1</sup> Class III railroads, have jointly filed a verified notice of exemption. The exempt transaction is a merger of MRBC into TCW, with TCW as the surviving corporation.

The transaction is expected to be consummated on or after February 24, 1998.

The proposed merger will enable the surviving carrier to operate the rail lines more efficiently without affecting the current operations over the rail lines.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and

<sup>1</sup> TCW and MRBC are owned and controlled by Douglas M. Head, Kent P. Shoemaker, and Charles H. Clay. TCW operates in the States of Minnesota and South Dakota, and MRBC operates in the State of Minnesota.

11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33554, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Jo A. DeRoche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005-4797.

Decided: February 23, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

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